IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.154 OF 2005
IN
APPEAL FROM ORDER NO.1028 OF 1996

Ishrat Hussain Mirza ...Applicant
vs.
Municipal Corporation of
Pune ...Respondent

CORAM: A.S.OKA,J.
DATE : APRIL 1,2005.

P.C.:

1. This application is made by the Appellant in disposed of Appeal from Order for withdrawal of sum of Rs.35,000/- deposited by the Appellant/Applicant in this Court.

2. While deciding the Appeal from Order by Judgment and Order dated 3rd October 1996 this Court permitted the Respondent-Municipal Corporation to withdraw a sum of Rs.35,000/-

3. The learned Counsel for the Applicant submitted that the Respondent has not withdrawn the said amount and subsequently the main suit was withdrawn on account of amicable settlement. She therefore submitted that the Appellant be permitted to withdraw the said amount of Rs.35,000/-

4. There is nothing on record to show that in the settlement the Respondent-Corporation gave consent to the Applicant for withdrawal of the said amount. Hence, prayer made in this Application cannot be granted and the same is rejected.

5. Office to issue intimation to the Respondent-Corporation calling upon it to withdraw the amount of Rs.35,000/-. If the amount is not withdrawn the office is directed to place the Appeal from Order on 17th June 2005 for orders.

JUDGE.